



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,905	01/04/2001	Uwe Sydon	2454,1120	3947
21171	7590	12/13/2010		EXAMINER
STAAS & HALSEY LLP				NGUYEN, STEVEN H D
SUITE 700				
1201 NEW YORK AVENUE, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				2473
			MAIL DATE	DELIVERY MODE
			12/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* UWE SYDON, OLAF DICKER, and  
JUERGEN KOCKMANN

---

Appeal 2009-005404  
Application 09/754,905  
Technology Center 2400

---

Before DALE M. SHAW, *Division 2 Support Administrator.*

ORDER TO PROCESS REQUEST FOR CONTINUED EXAMINATION

On September 7, 2010, a merits panel of the Board of Patent Appeals and Interferences affirmed the rejection of the Examiner on claims 1-3 and 6-34 on appeal. On November 8, 2010, Appellants filed a Request for Reconsideration of the Decision on Appeal (rehearing request). On December 3, 2010, Appellants filed a Request for Continued Examination under 37 C.F.R. § 1.114 (RCE). A decision on the November 8, 2010, rehearing request has not been rendered.

The filing of an RCE takes precedence over rendering a decision on

Appeal 2009-005404  
Application 09/754,905

the rehearing request. The MPEP in Section 706.07(h), subsection XI, states that:

The filing of an RCE (accompanied by the fee and a submission) after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit (Federal Circuit) or the commencement of a civil action in federal district court, will also result in the finality of the rejection or action being withdrawn and the submission being considered.

The filing of the RCE renders the pending rehearing request moot.

Accordingly, it is ordered that 1) no decision on the rehearing request will be rendered and 2) the application be returned to the Examiner for processing of the RCE, and for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005